

REMARKS

Claims 1-27 are canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 28-48 have been added. Thus, claims 28-48 are pending. Support for these claim are found throughout the specification. No new matter has been added.

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action, Claims 1-27 were subject to restriction and/or election requirement. Applicants hereby elect Group 1, Claims 28-48, drawn to, *inter alia*, a polynucleotide, method of transforming a cell, method of producing a transgenic plant, and a transgenic plant *per se*, without traverse.

In addition, Applicants are required to elect one of the Groups of inventions A-H. Applicants elect herewith Group C, drawn to a polynucleotide of SEQ ID NO:5 or corresponding polypeptide of SEQ ID NO:6, with traverse. This traversal is on the grounds that the amino acid sequences shown in SEQ ID Nos: 6 and 8 are 95.7% identical to each other. As can be seen in Appendix A, attached herewith, out of 561 amino acids, SEQ ID NO:8 differs from SEQ ID NO: 6 only at 18 positions. Thus, traversal of the restriction between Group C and Group D is kindly requested. Pending claims 28-48 are directed to the elected invention of Group 1 and Groups C and D.

Please charge any requisite fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,



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Dated: Feb. 23, 2004



APENDIX A

Appendix A shows a comparison of the amino acid sequences of Aspartate Kinases from corn clones cholc.pk002.k6 (SEQ ID NO:6) and cpd1c.pk010.k1 (SEQ ID NO:8). Amino acids that differ among the two sequences are underlined; dashes are used by the program to maximize alignment of the sequences.

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SEQ ID NO:6  MAIPVRSAAAPRRLVPSIPPASSGHVRGLACFGTRTGPRGARGLSMVVADSTSRRAKQAD
SEQ ID NO:8  MAIPVRSAAAPRRLVPSIPPASSGHVRGLACFGTRTGPRGARGLSMVVADSTSRRAKQAD

SEQ ID NO:6  GGDGVLGAPVLGGLGMEGLGDQLSVVMKFGGSSVSSAARMAEVAGLILTFPEERPVVVLS
SEQ ID NO:8  GGDGVLGAPVLGGLGMEGLGDQLSVVMKFGGSSVSSAARMAEVAGLILTFPEERPVVVLS

SEQ ID NO:6  AMGKTTNNLLLAGKAVGCGVIHVSEIEEWNMVKSLHIKTVDLGLPX-ICNTSLYELEQ
SEQ ID NO:8  AMGKTTNNLLLAGKAVGCGVIHVSEIEEWNMVKSLHIKTVDLGLPRSVIQDMLDELEQ

SEQ ID NO:6  LLKGIAMMKELTPRTSDYLVSFGECEMSTRIFSAYLNKIRVKARQYDAFDIGFITTDEFGN
SEQ ID NO:8  LLKGIAMMKELTPRTSDYLVSFGECEMSTRIFSAYLNKIRVKARQYDAFDIGFITTDEFGN

SEQ ID NO:6  ADILEATYPAVAKRLHGDWIQDPAIPVVTGFLGKGWKSGAVTTLGRGGSDDLTTATTIGKAL
SEQ ID NO:8  ADILEATYPAVAKRLHGDWIQDPAIPVVTGFLGKGWKSGAVTTLGRGGSDDLTTATTIGKAL

SEQ ID NO:6  GLREIQVWKDVGVLTCDPNIYPHAKTVPYLTFEEATELAYFGAQVLHPQSMRPAREGDI
SEQ ID NO:8  GLREIQVWKDVGVLTCDPNIYPHAKTVPYLTFEEATELAYFGAQVLHPQSMRPAREGDI

SEQ ID NO:6  PVRVKNSYNPKAPGTLITRQDMDXGLVVLTSIVLKSNVTMLDIVSTRMLGQYGFLARVS
SEQ ID NO:8  PVRVKNSYNPKAPGTLITRQDMDK--VVLTSIVLKSNVTMLDIVSTRMLGQYGFLARVF

SEQ ID NO:6  GICYIEDLCISVDCVATSEVSVSVSLDPSKIWSRELIQQASELDHVVEELEKIAIVRLLQ
SEQ ID NO:8  AI--FEDLCISVDCVATSEVSVSVSLDPSKIWSRELIQQ--ELDHVVEELEKIAIVRLLQ

SEQ ID NO:6  QRAIISLIGNVEQSSLILEKTGRVLRKSGVNVQMISQGASKVNMSLIVHDSDAKALVEAL
SEQ ID NO:8  QRAIISLIGNVEQSSLILEKTGRVLRKSGVNVQMISQGASKVNMSLIVHDSDAKALVEAL

SEQ ID NO:6  HQAFFEDDVLSQVEAENLLVG 561
SEQ ID NO:8  HQAFFEDDVLSQVEAENLLVG 556
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